

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 22, 2011 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Jeff Essmann (R)
Sen. Larry Jent (D)
Sen. Jim Peterson (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 548, 3/1/2011; SB 322, 3/1/2011; SB 323, 3/1/2011

Executive Action: HB 544-Tabled, SB 323-Tabled, SB 322, Do Pass, HB 548-Be
Concurred In As Amended

HEARING ON HB 548

Opening Statement by Sponsor:

00:02:25 Rep. Liz Bangerter (R), HD 80, opened the hearing on HB 548, Revising 46-18-203 regarding revocation of a suspended or deferred sentence.

Proponents' Testimony:

00:03:22 Mark Mattioli, Bureau Chief, Appellate Division, Assistant Attorney General, Department of Justice, State of Montana

[EXHIBIT\(jus64a01\)](#)

[EXHIBIT\(jus64a02\)](#)

00:07:20 Larry Epstein, Montana County Attorneys Association (MCAA)

00:09:37 Pam Bunke, Administrator, Adult Community Corrections Division, Department of Corrections (DOC), State of Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:10:24 Rep. Bangerter

HEARING ON SB 323

Opening Statement by Sponsor:

00:12:16 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 323, Referendum to allow over-ride of court decisions invalidating statute.

[EXHIBIT\(jus64a03\)](#)

Proponents' Testimony:

00:21:21 Harris Himes, Montana Eagle Forum (MEF)

Opponents' Testimony:

00:24:13 Niki Zupanic, American Civil Liberties Union (ACLU)
00:25:40 Chris Manos, Executive Director, State Bar of Montana
00:28:57 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:31:13 Sen. Larsen
00:32:12 Sen. Balyeat
00:34:42 Sen. Blewett
00:35:33 Sen. Balyeat
00:38:49 Sen. Blewett
00:39:42 Ms. Zupanic
00:40:30 Chairman Murphy
00:40:38 Sen. Balyeat
00:40:45 Sen. Augare
00:42:30 Sen. Balyeat

Closing by Sponsor:

00:49:45 Sen. Balyeat

HEARING ON SB 322

Opening Statement by Sponsor:

00:55:02 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 322, Referendum to revise venue for lawsuits challenging validity of statute.

Proponents' Testimony:

00:59:23 Harris Himes, Montana Eagle Forum (MEF)

Opponents' Testimony:

01:00:33 Ann Brodsky, Chief Legal Counsel, Governor's Office, State of Montana
01:05:38 Niki Zupanic, American Civil Liberties Union (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:09:00 Sen. Blewett

01:10:11 Sen. Balyeat

Closing by Sponsor:

01:10:35 Sen. Balyeat

01:15:00 Chairman Murphy

01:15:15 Valencia Lane, Legislative Services Division, LSD

01:15:34 Sen. Larsen

01:16:08 Ms. Lane

01:16:21 Sen. Larsen

01:16:37 Chairman Murphy

01:16:50 Sen. Shockley

01:17:08 Sen. Larsen

01:17:14 Chairman Murphy

(Recess)

01:31:41 Chairman Murphy

EXECUTIVE ACTION ON HB 544

(Sen. Vincent now absent from the room)

01:32:47 **Motion/Vote:** Sen. Hinkle moved that **HB 544 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 548

01:33:57 **Motion:** Sen. Hinkle moved that **HB 548 BE CONCURRED IN**.

Discussion:

01:34:13 Ms. Lane

01:34:25 **Motion/Vote:** Sen. Hinkle moved that **HB 548 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXHIBIT(jus64a04)

01:35:29 **Motion/Vote:** Sen. Hinkle moved that **HB 548 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Hinkle will carry the bill.

EXECUTIVE ACTION ON SB 322

01:36:37 **Motion:** Sen. Hinkle moved that **SB 322 DO PASS**.

Discussion:

01:36:50 Sen. Blewett
01:38:02 Sen. Hinkle
01:38:22 Sen. Blewett
01:39:13 Sen. Larsen

01:39:38 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 323

01:40:24 **Motion:** Sen. Hinkle moved that **SB 323 DO PASS**.

Discussion:

01:40:34 Sen. Blewett
01:42:10 Sen. Shockley

01:42:51 **Vote:** Motion failed 4-8 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy. Without objection, motion to reverse the vote and table carried.

01:43:54 Chairman Murphy

ADJOURNMENT

Adjournment: 10:47 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus64aad.pdf](#))